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[Additional counsel on signature page.]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

STEPHEN ROSSI, INDIVIDUALLY AND
ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED,

Plaintiff,

v.

GREG W. BECKER, DANIEL J. BECK,
ROGER F. DUNBAR, KAREN HON, ERIC
A. BENHAMOU, JOHN S. CLENDENING,
RICHARD D. DANIELS, ALISON DAVIS,
JOEL P. FRIEDMAN, JEFFREY N.
MAGGIONCALDA, BEVERLY KAY
MATTHEWS, MARY J. MILLER, KATE D.
MITCHELL, JOHN F. ROBINSON, GAREN
K. STAGLIN, KPMG LLP, BENHAMOU
GLOBAL VENTURES, LLC, FIFTH ERA,
LLC, AND SCALE VENTURE PARTNERS,

Defendants.

Case No. 4:23-cv-02335-HSG

**STIPULATION TO EXTEND TIME
FOR DEFENDANTS' OPPOSITION
TO PLAINTIFFS' MOTIONS TO
REMAND AND FOR PLAINTIFFS'
REPLY AND ADJOURNING CASE
MANAGEMENT CONFERENCE
AND ASSOCIATED DEADLINES;
ORDER (AS MODIFIED)**

1 Plaintiffs Kim Stevenson, Howard Tarlow, and Stephen Rossi (collectively, “Plaintiffs”)
2 and Defendants Greg W. Becker, Daniel J. Beck, Eric A. Benhamou, John S. Clendening, Richard
3 D. Daniels, Alison Davis, Roger F. Dunbar, Joel P. Friedman, Karen Hon, Jeffrey N.
4 Maggioncalda, Beverly Kay Matthews, Mary J. Miller, Kate D. Mitchell, John F. Robinson, Garen
5 K. Staglin, KPMG LLP, Benhamou Global Ventures, LLC, Fifth Era, LLC, and Scale Venture
6 Partners, (collectively, “Defendants” and with Plaintiffs, the “Parties”), by and through their
7 undersigned counsel, submit the following stipulation pursuant to Civil Local Rule 6-2(a) to extend
8 the briefing schedule on Plaintiffs’ motions to remand to Santa Clara Superior Court and adjourn
9 the Case Management Conference and associated deadlines in the above-captioned actions (the
10 “Actions”).

11 WHEREAS, on April 10, 2023, Plaintiffs Kim Stevenson and Howard Tarlow filed a
12 putative securities class action against Defendants in the Superior Court of California, County of
13 Santa Clara, captioned *Stevenson and Tarlow v. Becker, et al.*, No. 23-cv-413949 (the “Stevenson
14 Action”);

15 WHEREAS, on April 14, 2023, Plaintiff Stephen Rossi filed a putative securities class
16 action in the Superior Court of California, County of Santa Clara alleging substantially similar
17 claims against the same Defendants, and also naming as Defendants Benhamou Global Ventures,
18 LLC, Fifth Era, LLC, and Scale Venture partners, captioned *Rossi v. Becker, et al.*, No. 23-cv-
19 41420 (the “Rossi Action”);

20 WHEREAS, on May 10, 2023, certain of Defendants removed the Stevenson Action to this
21 Court pursuant to 28 U.S.C. § 1452 (Stevenson Dkt. 1), and the Court issued an Order setting the
22 Initial Case Management Conference for August 8, 2023, and instructing the Parties to file their
23 Rule 26(f) report and Case Management Statement on or before August 1, 2023 (Stevenson Dkt.
24 17);

25 WHEREAS, on May 12, 2023, certain of Defendants removed the Rossi Action to this
26 Court pursuant to 28 U.S.C. § 1452 (Rossi Dkt. 1), and the Court issued an Order setting the Initial
27
28

1 Case Management Conference for August 10, 2023, and instructing the Parties to file their Rule
2 26(f) report and Case Management Statement on or before August 3, 2023 (Rossi Dkt. 6);

3 WHEREAS, on May 17, 2023, all parties in the Actions stipulated that no Defendant has
4 any obligation to answer or otherwise respond to the complaints in the Actions prior to resolution
5 of Plaintiffs' motions to remand and setting of a schedule for Defendants to respond to the
6 complaints (Stevenson Dkt. 8; Rossi Dkt. 8);

7
8 WHEREAS, on June 9, 2023, Plaintiffs Stevenson and Tarlow filed a motion to remand
9 the Stevenson Action (Stevenson Dkt. 56);

10 WHEREAS, on June 12, 2023, Plaintiff Rossi filed a motion to remand the Rossi Action
11 (Rossi Dkt. 39);

12 WHEREAS, Defendants' opposition to the motion to remand in the Stevenson Action is
13 currently due on June 23, 2023 and Plaintiffs' reply is currently due on June 30, 2023 pursuant to
14 Civil Local Rule 7-3;

15 WHEREAS, a hearing on the motion to remand in the Stevenson action has been scheduled
16 for September 7, 2023 at 2:00pm;

17 WHEREAS, Defendants' opposition to the motion to remand in the Rossi Action is
18 currently due on June 26, 2023, and Plaintiff's reply is currently due on July 5, 2023, pursuant to
19 Civil Local Rule 7-3;

20 WHEREAS, a hearing on the motion to remand in the Rossi action has been scheduled for
21 September 26, 2023 at 2:00pm;

22 WHEREAS, the Parties believe that the interests of efficiency and judicial economy would
23 be served by modifying the deadlines for opposition and reply papers to align the briefing
24 schedules in the Actions, and the Parties agree that good cause exists for the extension of time;

25 WHEREAS, the Parties further believe that the interests of efficiency and judicial economy
26 would be served by adjourning the August 8, 2023, Initial Case Management Conference in the
27 Stevenson Action and the August 10, 2023, Initial Case Management Conference in the Rossi
28

1 Action, and all associated deadlines, to be rescheduled, if necessary, after resolution of the motions
2 to remand the Actions.

3 WHEREAS, there have been no other time modifications in this case other than the
4 stipulations extending time to respond to the complaints (Stevenson Dkt. 8; Rossi Dkt. 8);

5 WHEREAS, the Parties' request herein does not require changes to other deadlines in this
6 case or to the scheduled hearing dates;

7 ACCORDINGLY, pursuant to Civil Local Rules 6-2 and 7-12, the Parties, by and through
8 their respective counsel, hereby stipulate and agree, subject to approval by the Court, as follows:

- 9 1. The deadline for Defendants to file an opposition to the pending motions to remand
10 in the Actions shall be July 12, 2023.
- 11 2. The deadline for Plaintiffs to file a reply in further support of their motions to
12 remand in the Actions shall be August 4, 2023.
- 13 3. The August 8, 2023, Initial Case Management Conference and associated
14 deadlines, including the August 1 deadline to file the Rule 26(f) report and Case
15 Management Statement, established by the Court's May 10, 2023 order (Stevenson
16 Dkt. 17) is adjourned, to be rescheduled by the Court, if needed, following
17 resolution of the motion to remand.
- 18 4. The August 10, 2023, Initial Case Management Conference and associated
19 deadlines, including the August 3 deadline to file the Rule 26(f) report and Case
20 Management Statement, established by the Court's May 12, 2023 order (Rossi Dkt.
21 6) is adjourned, to be rescheduled by the Court, if needed, following resolution of
22 the motion to remand.
- 23 5. No other dates or deadlines shall be affected.

24
25 **IT IS SO STIPULATED.**
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1 DATED: June 19, 2023

**WILMER CUTLER PICKERING HALE
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21 DATED: June 19, 2023

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6 DATED: June 19, 2023

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15 DATED: June 19, 2023

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CERTIFICATION

I, Michael A. Mugmon, am the ECF User whose ID and password are being used to file this document pursuant to Local Rule 5-1(c)(1). In compliance with Local Rule 5-1(h)(3), I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories.

DATED: June 19, 2023

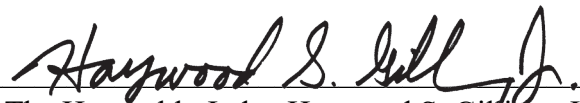
/s/ Michael A. Mugmon

MICHAEL A. MUGMON (SBN 251958)

ORDER

Pursuant to the foregoing stipulation, **IT IS SO ORDERED**, except for paragraphs 3 and 4, as the referenced case management conferences have already been vacated.

DATED: 6/28/2023



The Honorable Judge Haywood S. Gilkiam, Jr.

United States District Judge